

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ZACHARY FRIDLINE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 4:24-cv-01770-
	:	MWB
INTEREST MEDIA, INC.,	:	
	:	
Defendant.	:	

**DEFENDANT’S ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFF’S CLASS ACTION COMPLAINT**

Defendant Interest Media, Inc. (“Defendant” or “Interest Media”), by and through its attorneys, answer the Complaint filed by Plaintiff Zachary Fridline (“Plaintiff” or “Fridline”). To the extent not specifically admitted in the following paragraphs, Interest Media denies all remaining allegations in the Complaint.

I. INTRODUCTION

1. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

2. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

3. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

4. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

II. PARTIES

5. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

6. Admitted in part; denied in part. Interest Media only admits that it is a Missouri Corporation. The remaining allegations in this Paragraph are denied.

III. JURISDICTION AND VENUE

7. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

8. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

9. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

IV. JURISDICTION AND VENUE

A. The Enactment of the TCPA and its Regulations

10. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

11. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

12. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

13. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

14. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

B. Unsolicited Telemarketing to Plaintiff

15. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

16. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

17. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

18. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

19. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

20. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

21. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

22. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

23. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

24. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

25. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

26. Denied.

27. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

28. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

29. Denied.

30. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

31. Denied.

32. Denied.

33. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

34. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

35. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

36. Denied. Allegations in this paragraph are denied because Interest Media is, after reasonable investigation, without sufficient information to form a belief as to the truth of the allegations.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

V. CLASS ACTION ALLEGATIONS

41. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

42. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

43. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

44. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

45. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

46. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

47. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

48. Denied .

49. Denied. Allegations in this paragraph state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

50. Denied. Allegations in this paragraph, and subparagraphs a, b, and c, state conclusions of law to which no responses are required and, to the extent the remaining allegations of this paragraph are factual in nature, they are denied.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

FIRST CAUSE OF ACTION

Telephone Consumer Protection Act

Violations of 47 U.S.C. § 227(c)(5) & 47 C.F.R. § 64.1200(c)

(On Behalf of Plaintiffs and the National Do Not Call Registry Class)

56. Interest Media repeats the responses to the prior allegations and incorporates them by reference herein.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

PRAYER FOR RELIEF

Interest Media specifically denies that Plaintiff is entitled to any relief under the WHEREFORE clause and all sub-clauses thereafter. Interest Media respectfully requests that the Court enter judgment in favor of Interest Media and against Plaintiff, and award Interest Media any further relief the Court deems just and proper, including costs and attorneys' fees.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiff and Plaintiff's proposed class lack standing to seek the relief demanded, because, for example, they have not suffered a sufficient injury in fact from the conduct alleged in the Complaint.

THIRD DEFENSE

On information and belief, Plaintiff's pattern of conduct and that of the asserted putative class made the calls of which Plaintiff complains more likely by, for example, using telephone service for the express purpose of attracting the calls of which they complain and structuring their telephone services so as to incur charges for each call they received.

FOURTH DEFENSE

On information and belief, the Complaint and each purported cause of action asserted therein are barred by the statute of limitations and/or the doctrine of laches if, for example, Plaintiffs and/or member of the asserted putative class waited longer than the statutorily permitted time-period or otherwise unreasonably delayed filing a lawsuit to pursue their purported rights.

FIFTH DEFENSE

To the extent that Plaintiff or the asserted putative class suffered alleged damages, those damages were created by the conduct of Plaintiff or the asserted putative class who, for example, use telephone service for the express purpose of attracting the telephone calls of which they complain and structure their telephone

services so as to incur charges for each call they receive. Thus, any damages awarded to Plaintiff and/or members of the asserted putative class should be reduced to the extent that they were caused by Plaintiff or the asserted putative class.

SIXTH DEFENSE

To the extent that Plaintiff or the asserted putative class suffered alleged damages, on information and belief, they failed to mitigate those damages, by, for example, using telephone service for the express purpose of attracting the calls of which they complain and structuring their telephone services so as to incur charges for each call they received. Thus, any damages awarded to Plaintiffs and/or members of the asserted putative class should be reduced accordingly.

SEVENTH DEFENSE

The putative class asserted in the Complaint is inappropriate for class certification because there is no ascertainable class.

EIGHTH DEFENSE

The putative class asserted in the Complaint is inappropriate for class certification because the class is not so numerous that joinder of all members is impracticable, as required by Fed. R. Civ. P. 23(a)(1).

NINTH DEFENSE

The putative class asserted in the Complaint is inappropriate for class certification because there are no questions of law or fact common to the class, as required by Fed. R. Civ. P. 23(a)(2).

TENTH DEFENSE

The putative class asserted in the Complaint is inappropriate for class certification because Plaintiff's claim is not typical of the claims of other members of the asserted putative class, as required by Fed. R. Civ. P. 23(a)(3).

ELEVENTH DEFENSE

The putative class asserted in the Complaint is inappropriate for class certification because Plaintiff is not able to fairly and adequately protect the interests of all members of the alleged putative class as required by Fed. R. Civ. P. 23(a)(4).

TWELFTH DEFENSE

The putative class asserted in the Complaint is inappropriate for class certification because common issues of law and fact do not predominate over individual issues, as required by Fed. R. Civ. P. 23(b)(3).

THIRTEENTH DEFENSE

The putative class asserted in the Complaint is inappropriate for class certification because a class action is not superior to other methods for fairly and efficiently adjudicating this controversy as required by Fed. R. Civ. P. 23(b)(3).

RESERVATION OF ADDITIONAL DEFENSES

Defendant Interest Media reserves the right to assert such additional defenses as may become apparent during the course of discovery.

DATE: May 12, 2025

Respectfully submitted,

POLSINELLI PC

/s/ Hyun (Eric) Yoon

Hyun (Eric) Yoon (PA ID #323706)

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Polsinelli PC

Philadelphia, PA 19103

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Attorney for Defendant Interest Media, Inc.

CERTIFICATE OF SERVICE

I certify that on this date, I caused the foregoing Answer and Affirmative Defenses to be filed and served on counsel for the parties via CM/ECF.

Dated: May 12, 2025

/s/ Hyun (Eric) Yoon
Hyun (Eric) Yoon